

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

H&H METAL SPECIALTY, INC.

v.

ALLEGHENY COUPLING CO. and
ALLEGHENY VALVE CO.,

ORDER
04-CV-127S

Defendants.

1. On April 5, 2004, this Court referred this matter to the Honorable Leslie G. Foschio, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1).

2. On November 5, 2004, Plaintiff filed a Motion to Amend/Correct the Complaint and for Remand. On December 23, 2004, Defendants filed a Motion to Compel Discovery. On January 19, 2005, Plaintiffs filed a Cross-Motion to Compel and Extend Discovery.

3. On February 2, 2005, Judge Foschio filed a Decision and Order denying Plaintiff's Motion to Amend/Correct the Complaint and for Remand, granting Defendants' Motion to Compel Discovery, and denying Plaintiff's Motion to Compel and Extend Discovery.

4. On February 16, 2005, Plaintiff filed Objections to Judge Foschio's Decision and Order. Defendants responded in opposition to Plaintiff's Objections on April 6, 2005. Plaintiff filed a reply on April 15, 2005.

5. Pursuant to 28 U.S.C. § 636(b)(1)(A), a magistrate judge may, with certain exceptions, hear and determine any pretrial matter pending before the court. The

magistrate judge's order on such a pretrial matter will be reconsidered by the district judge only when it has been established that it is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A). As such, this Court will set aside or modify Judge Foschio's Decision and Order in this case only if it finds that the Decision and Order is clearly erroneous or contrary to law.

6. Clearly Plaintiff disagrees with Judge Foschio's rulings, but this alone does not serve as cause to disturb the Decision and Order. Plaintiff has not established that Judge Foschio's Decision and Order is clearly erroneous or contrary to law. Accordingly, this Court will deny Plaintiff's Objections.

IT HEREBY IS ORDERED, that Plaintiff's Objections to Judge Foschio's February 2, 2005 Decision and Order (Docket No. 31) are DENIED.

FURTHER, that Judge Foschio's February 2, 2005 Decision and Order (Docket No. 31) is AFFIRMED in its entirety.

SO ORDERED.

Dated: June 8, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge